

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

<b>MICROSOFT CORPORATION,</b>	)	
<b>a Washington corporation,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>3:04-cv-353</b>
	)	<b>Phillips/Shirley</b>
<b>SAMUEL SELLERS, an individual</b>	)	
<b>d/b/a SAVE MORE SALES a/k/a SAVE</b>	)	
<b>MORE COMPUTERS, and SAMUEL</b>	)	
<b>SELLERS, an individual,</b>	)	
	)	
<b>Defendants.</b>	)	

**SUBSTITUTE ORDER**

This matter is before the Court on the report and recommendation filed by United States Magistrate Judge C. Clifford Shirley, Jr. [Doc. 48]. No subsequent objection to the magistrate's report and recommendation, motion, or other pleading has been received by the Court.<sup>1</sup>

After careful review of the report and recommendation and the record, the Court readily concludes that the magistrate judge has thoroughly and correctly analyzed the issue presented in plaintiff's motion for attorney fees and costs [Doc. 43]. Further, the Court

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<sup>1</sup>Any objections to this Report and Recommendation must be served and filed within ten (10) days after service of a copy of a recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 72(b), Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985). A district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).

notes that the defendants have not filed any pleadings in opposition to plaintiff's motion. Therefore, the Court is in complete agreement with the magistrate judge's determinations, finding that plaintiff Microsoft Corporation shall be awarded \$43,463.50 in attorney's fees and \$1,815.60 in costs, for a total award of \$45,279.10, in accordance with the magistrate's report and recommendation.<sup>2</sup>

For the reasons stated in the report and recommendation, which the Court adopts and incorporates into its ruling, the **R&R is ACCEPTED IN WHOLE**. This order supersedes the order entered May 5, 2006 [Doc. 49].

**IT IS SO ORDERED.**

**ENTER:**

s/Thomas W. Phillips  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup>As noted in the report and recommendation, the Clerk of the Court already taxed costs against the defendants in the amount of \$1,815.60 on April 4, 2006 [Doc. 47].